

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:19-CR-00167

WILLIAM ANTHONY SPARKS

**MEMORANDUM OPINION AND ORDER**

Pending before the court is the defendant's Motion to Continue Trial and All Case Related Action. ECF No. 22. In support of his motion, counsel for the defendant notes that meeting with the defendant has been difficult because of the defendant's incarceration in Michigan, and counsel also requests additional time to review discovery materials provided by the government. Counsel stated that the government does not oppose the continuance of this matter. For good cause shown, the defendant's motion is **GRANTED**.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the best interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** the defendant's motion to continue. In deciding to grant defendant's motion, the court considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B) and finds that denying the motion "would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into

account the exercise of due diligence." Id. §

3161(h) (7) (B) (iv) .

Accordingly, the court hereby **ORDERS** as follows:

- I. The deadline for the filing of pretrial motions is continued until **January 6, 2020;**
- II. The Pretrial Motions Hearing is continued until **3:00 p.m. on Monday, January 13, 2020, in Charleston;**
- III. Jury Instructions and Proposed Voir Dire are due to the court by **February 3, 2020;**
- IV. Trial of this action is continued until **9:30 a.m. on Monday, February 10, 2020, in Charleston;**
- V. Pursuant to 18 U.S.C. § 3161(h) (7) (A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 10th day of December, 2019.

**ENTER:**

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber  
Senior United States District Judge